

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2656
	)	
S. FOSTER EASLEY, D.O.	)	<b>FINDINGS OF FACT,</b>
Holder of License No. 3212for the	)	<b>CONCLUSIONS OF LAW</b>
practice of osteopathic medicine	)	<b>AND BOARD ORDER FOR</b>
in the State of Arizona.	)	<b>PROBATION</b>
_____	)	

**FINDINGS OF FACT**

1. S. Foster Easley, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3212.

2. On or about January 28, 1999 the Board received a 1999 Biennial Renewal Application for Osteopathic Physicians completed and signed by Respondent. Respondent answered "yes" to question number two which stated: "Since your initial application or last renewal, have you had any problems with substance abuse or been enrolled or committed to a substance abuse program?" Respondent provided a written response stating that he was arrested and charged with possession of marijuana and property damage and he entered a diversion program.

3. Respondent answered "no" to question number one which states: "Have you since your initial application or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony or a misdemeanor involving moral turpitude?"

4. On or about September 15, 1997, Respondent was arrested for possession of narcotics.

5. On April 21, 1998 Respondent was charged by the by the Maricopa County Attorney for knowingly possessing or using Cocaine, a narcotic drug, in violation of A.R.S. §§ 13-3401, 13-3408,

13-3418, 13-701, 13-702, and 13-801; knowingly possessing or using marijuana having weight of less than two pounds in violation of A.R.S. §§ 13-3401, 13-3405, 13-3418, 13-701, 13-702, and 13-801; and recklessly defacing or damaging property, to wit: a camera, of GG, causing damage in the amount of \$250 or less, in violation of A.R.S. §§ 13-1601, 13-707 and 13-802.

alcohol test and was terminated.

6. On or about September 3, 1998 Superior Court of Arizona, Maricopa County ordered Respondent to participate in the Maricopa county Attorney\TASC Drug Diversion program and have a two year suspended sentence pending the outcome of the TASC program.

7. Respondent requested that he enter into a Stipulated Consent Order for Probation for a five-year period to include rehabilitation, practice restriction and monitoring. In public session the Board voted on August 7, 1999 that Respondent's license should be placed on a probationary status for monitoring and restriction and authorized the Board's Executive Director to sign and issue a Stipulated Consent Order regarding Respondent that follows hereinafter.

#### **CONCLUSIONS OF LAW**

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into a stipulated order for disciplinary action against a license, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations:

- (19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession.
- (22) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.
- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

4. Based upon the Findings of Fact set forth above herein, the Board concludes that it has the requisite factual basis and legal authority to order temporary suspension of Respondent's license.

### **ORDER**

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. S. Foster Easley, D.O. ("Respondent") shall comply with the following terms and conditions of this agreement:
2. Respondent's Board License Number 3212 will be placed under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:
3. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions

until he has submitted a written request to the Board and obtained Board approval.

4. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

5. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

6. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

7. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for her by her treating physician. Respondent shall

maintain a monthly log (for the duration of probation) of all prescription-only drugs taken by her and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

8. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

9. Respondent shall participate in a minimum of two (2) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

10. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving;

and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

11. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.

12. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

13. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

14. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

**ISSUED** this 16th day of October, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director

Served by personal service or  
sending U.S. certified mail  
this 18<sup>th</sup> day of October, 1999 to:

S. Foster Easley, D.O.  
7810 N. 14<sup>th</sup> Place #3010  
Phoenix AZ 85020

Copy mailed this 18<sup>th</sup> day of October, 1998 to:

Charles Buri, Esq.  
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Scottsdale AZ 85254

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85015

Drug Enforcement Administration  
Attention: Diversion Section  
3010 N. 2nd St  
Phoenix AZ 85012

Susan Miller